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Chairman: Mr. al Bayati ..... (Iraq)

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The meeting was called to order at 3.10 p.m.

Agenda item 64: Indigenous issues (A/61/490)

(a) Indigenous issues (A/61/376)

(b) Second International Decade of the World's Indigenous People

1. **Mr. Ocampo** (Under-Secretary-General for Economic and Social Affairs) said that the United Nations agenda on indigenous issues had been revitalized by recent developments, including the 2005 World Summit. In working towards the Millennium Development Goals and the broader United Nations development agenda, the international community should cooperate and build partnerships with indigenous peoples and pay attention to their vision, which integrated economic, social, environmental and human rights aspects as they sought to be full participants in debates affecting their lives.

2. The Coordinator of the First International Decade of the World's Indigenous People, the High Commissioner for Human Rights, had concluded that indigenous people remained among the poorest and most marginalized in many countries. Their exclusion from national development processes obliged the United Nations to continue to promote respect for their human rights and advocate their full and effective participation in development processes at all levels. There had some been positive developments in that regard. Democratic participation of indigenous people had resulted in indigenous leaders occupying important government positions in some countries. Elsewhere, reconciliation and support for indigenous people were emerging after long armed conflicts.

3. As Coordinator of the Second Decade, launched on 1 January 2005, he welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples at the first-ever session of the Human Rights Council in June 2006, especially since, to the disappointment of indigenous people everywhere, the United Nations had been unable to adopt it during the First Decade. The Declaration provided the international community with a comprehensive international standard to which everyone should aspire and he looked forward to its endorsement by the General Assembly at the current session.

4. Noting recent developments in United Nations work on indigenous issues, he highlighted the activities of the Permanent Forum on Indigenous Issues, which had hosted the launch of the Programme of Action for the Second Decade at its fifth session, held in May 2006. The session had been attended by representatives of indigenous organizations, non-governmental organizations, United Nations agencies, intergovernmental organizations, Member States and academia. The African Union, the Asian Development Bank and the Organization of American States (OAS) had also been represented for the first time. The session had focused on the theme of the Millennium Development Goals and indigenous peoples, making valuable recommendations on how to interpret and apply the Goals so that indigenous peoples in all countries were included in and benefited from the implementation process. The Forum had thus been providing fertile ground for the growth of a tripartite partnership among indigenous peoples, States and United Nations and other intergovernmental organizations.

5. The Trust Fund on Indigenous Issues had received over 200 proposals for Decade-related projects worldwide and, in 2006, would be able to support 23 projects at a cost of some US$ 400,000. He appealed to Member States, United Nations agencies and intergovernmental and non-governmental organizations to join the Governments of Algeria, Chile, Cyprus, Denmark, Estonia and Germany and Mexico's National Commission for the Development of Indigenous Peoples in making generous contributions to the Fund.

6. He thanked Member States and intergovernmental organizations that had responded to his request for suggestions for pursuing the objectives of the Programme of Action for the Second Decade. The Department of Economic and Social Affairs had drawn up its own Plan of Action for the Second Decade, which sought to mainstream the Decade's objectives across its various areas of work. The Second Decade had also been a catalyst for collective action through the United Nations Development Group (UNDG), which was working hard to ensure the systematic integration of indigenous issues into United Nations operational activities for development. The Inter-Agency Support Group on Indigenous Issues was also exploring how to enhance country teams' understanding of indigenous issues and how to empower indigenous people to participate fully and

effectively in country-level development monitoring processes.

7. One major challenge for the implementation of the Programme of Action for the Second Decade was a lack of human and financial resources, which were just as crucial as political commitment. Clearly, more Member States and international organizations and more indigenous organizations and civil society actors should be engaged in pursuing the objectives of the Second Decade. Immediate action was needed to include indigenous issues among policy and budgetary priorities at the national and international levels. He would keep the Committee informed of developments in that area and would also submit a written report to the Permanent Forum.

8. **Mr. Cumberbatch** (Cuba) thanked the Under-Secretary-General for Economic and Social Affairs for his sterling work as Coordinator of the Second Decade and asked how activities to promote the Declaration would be designed and how cooperation might be strengthened to ensure that the promotion of the rights of indigenous people was conducted in harmony with other development activities.

9. **Mr. Ocampo** (Under-Secretary-General for Economic and Social Affairs) said that it was hoped that the Declaration would be adopted by all Member States as a fundamental framework for guiding national policies on indigenous peoples, in active participation with them. Within UNDG, it was felt that the Declaration should be disseminated throughout the United Nations system so that it could be promoted effectively. Work was also under way on mainstreaming the Declaration's provisions into the activities of United Nations country teams. Since funds were limited, however, it was hoped that Member States would generously replenish funding facilities and that increased activity by country teams would make resources available for national programmes benefiting indigenous people.

10. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), introducing his report (A/61/490), said that during the past year he had continued to focus on three areas of action: thematic investigation and development of issues that had an impact on the situation of human rights and fundamental freedoms of indigenous people; country visits; and urgent appeals and alleged violations concerning indigenous people's human rights and fundamental freedoms. In recent years, definite progress had been made with regard to the legal situation of indigenous people in various countries. However, the "implementation gap" between standards relating to indigenous rights and the effective enjoyment of those rights posed a serious problem that merited the close attention of the Human Rights Council and the General Assembly. In many countries, international standards did not always become part of domestic law. Another problem was lack of consistency between indigenous or human rights legislation and sectoral laws such as those relating to natural resources management.

11. In general, there was a lack of appropriate mechanisms for monitoring the effectiveness of indigenous legislation and evaluating its practical application. The bodies responsible for protecting indigenous human rights were weak and vulnerable and did not have the necessary political or financial support. Advocacy organizations were often pressured and even threatened and harassed. One of the clearest manifestations of the implementation gap was to be found in government administrative structures, in which bureaucratic inertia and inflexibility prevailed. It was also difficult to establish efficient accountability and evaluation mechanisms and there was even evidence of corruption. Civil service culture was resistant to multiculturalism and diversity and was often discriminatory, if not openly racist, towards indigenous people and culture. Consultation and participation mechanisms for indigenous peoples needed to be established.

12. The role of the courts in interpreting and applying domestic legislation and international standards on issues relating to indigenous people required sustained attention. The judicial sector had become increasingly involved in those issues, sometimes with positive results. However, there was a need for greater training of judges and other justice officials in that area. Mechanisms should be developed to ensure that positive law could coexist with indigenous law.

13. Indigenous people were increasingly availing themselves of international mechanisms for the defence of their human rights. The inter-American and, more recently, the African regional human rights systems were playing an increasingly important role, as were the United Nations treaty bodies. A new circle of good practices had thereby been established, bringing

together indigenous peoples, States and international mechanisms.

14. During the period covered by the report, he had made an official visit to New Zealand, where the legal basis for relations between Maori and the State was the 1840 Treaty of Waitangi. Many Maori were concerned about new legislation governing coastal areas which, in their view, extinguished their customary rights. His report made several recommendations to the Government of New Zealand proposing measures aimed at strengthening Maori human rights.

15. In April 2006, he had undertaken an official visit to Ecuador. He had detected a vast juridical vacuum in the protection of indigenous rights in that country, as the constitutional rights of indigenous people had not yet been incorporated into the corresponding secondary legislation. Much concern had been raised by the gradual destruction of the indigenous habitat and the impact of extractive activities. In particular, oil exploration activities on indigenous lands had triggered resistance in some communities.

16. In May 2006, he had paid a follow-up visit to Guatemala. The State authorities' increasing awareness of the need to prioritize human rights issues had led to the creation of various forums for dialogue between the indigenous peoples and the Government. Discrimination against indigenous peoples continued, however.

17. He had continued to receive a growing number of communications from indigenous and civil society organizations containing complaints of violations of indigenous peoples' rights. Only a few of the States involved had followed up the letters of allegation and urgent appeals addressed to them. He had recommended to the Human Rights Council that special attention should be given to that serious constraint on the building of an effective system for protecting indigenous peoples' rights.

18. He wished to stress the importance of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the Human Rights Council at its first session. He urged Member States to adopt the Declaration as transmitted by the Council, which was already a useful mechanism for the promotion and protection of indigenous rights and could also serve as a guide for international promotion and cooperation activities being carried out by United Nations bodies, especially in the framework of the Millennium Development Goals.

19. **Ms. Moreira** (Ecuador), thanking the Special Rapporteur for his visit to Ecuador and the initial impressions conveyed in his report (A/61/490), said that the active participation of civil society and indigenous people in the planning of the visit had been a direct result of the authorities' efforts to involve them. Referring to the statement in paragraph 21 of the report that the State institutions set up by the Government to address the situation of indigenous peoples were not based on specific laws, she said that specific laws did in fact exist and that they supported the institutions' work. One such law was the Executive Decree establishing the National Council for Indigenous Peoples and she would like that fact to be reflected in the report. She did, however, acknowledge the difficulty posed by the lack of a specific law enforcing all the pertinent provisions adopted by her Government.

20. Two bills were currently before the Congress. The first would implement the 1998 constitutional act embodying all collective rights in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention (No. 169) and the second would make indigenous justice compatible with ordinary justice. She requested the Special Rapporteur to include that information in his forthcoming expanded report to the Human Rights Council. In conclusion, she would like him to suggest how Latin American countries that had already recognized indigenous justice could address the lack of consistency between indigenous and ordinary justice, pending codification of the relevant laws.

21. **Ms. Leikas** (Finland), speaking on behalf of the European Union, said that the adoption of the Declaration on the Rights of Indigenous Peoples had been a milestone in efforts to improve the protection of indigenous people's rights. What was now crucial was its implementation. She wished to know how the Special Rapporteur intended to use the Declaration in his work of promoting the rights and aspirations of indigenous people.

22. With regard to the idea of drawing up an international code of conduct for transnational corporations operating in indigenous regions, she asked whether the Special Rapporteur envisaged considering it jointly with the Secretary-General's Special

Representative on human rights and transnational corporations and other business enterprises with a view to making special proposals in that regard.

23. Since indigenous people needed to have access not only to the human rights treaty bodies and United Nations agencies involved with indigenous issues, but also to the Human Rights Council and the Special Rapporteur, she asked how their participation in those bodies and mechanisms could be further enhanced.

24. **Mr. Heines** (Norway) said that he was grateful for the Special Rapporteur's efforts to highlight the gap between legislation on indigenous rights and the effective enjoyment of those rights. Since the report focused primarily on the situation of indigenous peoples in Latin America, he hoped that future reports would deal with the rights of indigenous peoples in other regions as well, including Europe. He reiterated his Government's invitation to the Special Rapporteur to visit Norway.

25. The Declaration on the Rights of Indigenous Peoples provided a framework for greater partnership between governments and indigenous peoples. He would like to hear the Special Rapporteur's views on how the Declaration could contribute to bridging the "implementation gap" and, in particular, how the United Nations could assist in ensuring that the Declaration made a difference on the ground.

26. **Ms. Banks** (New Zealand) said that New Zealanders felt privileged to belong to a multi-ethnic society and that discrimination was anathema to them. The arrangements put in place for Maori by her Government took into account historical inequalities and encouraged self-management. A delicate balance must be struck between specific measures for indigenous peoples and the imperative to avoid creating different classes of citizenship.

27. The sophisticated, legally mandated mechanisms for addressing historical and contemporary grievances were of great importance to Maori and to non-Maori New Zealanders alike and had been identified by United Nations human rights treaty bodies as being exemplary. Many of the issues raised in the Special Rapporteur's report were central and enduring features of an important ongoing political debate among New Zealanders that was premised on a fundamental belief in equal treatment under the law for all citizens, although views might differ as to how that was best achieved. To take one example, the Special Rapporteur had raised questions concerning possible constitutional change in New Zealand. Although there was no consensus for constitutional change, any agreed change would be brought about through the free and full exercise of democratic prerogatives by Maori and non-Maori alike.

28. She was circulating a background brief prepared for the Special Rapporteur's visit, which provided a fuller context for the current situation in New Zealand and gave factual information on many of the issues discussed in his report. The brief was also available on her Government's website.

29. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) welcomed the legislative provisions mentioned by the representative of Ecuador which gave support to institutions dealing with indigenous peoples. One of the concerns raised in his report was that the executive or ministerial decrees establishing some of those institutions were not backed up by parliamentary legislation, leading to weaknesses that might result in insufficient resources being allocated to those institutions. Many countries faced the problem of making ordinary law and indigenous law compatible. Although so far no satisfactory solution had been found, the problem must be addressed in order to prevent continuing violations of indigenous rights. Governments could cooperate with international and regional organizations and human rights mechanisms, as well as indigenous organizations, in that regard.

30. He also welcomed the comments made by the representative of New Zealand, which contributed to the ongoing democratic debate in New Zealand reflected in the report. It was important to take into account the continuing disparities between Maori and non-Maori in such areas as health, education, housing and social services. Many of the poorest people in New Zealand were Maori.

31. Concerning the constitutional issues raised in his report to the Human Rights Council (E/CN.4/2006/78/Add.3), he recognized that there was a range of views on the need for constitutional change. Some existing laws protected the rights of all citizens of New Zealand, but he had made a number of recommendations designed to contribute to the open democratic debate taking place in New Zealand on the issue.

32. He noted with satisfaction the widespread support expressed for the Declaration on the Rights of Indigenous Peoples. The Office of the United Nations High Commissioner for Human Rights (UNHCHR) and the Permanent Forum on Indigenous Issues, as well as the Working Group on Indigenous Populations, had an important role to play in that area. UNHCHR also had a responsibility to work closely with those bodies and with other special rapporteurs on such issues affecting indigenous peoples as transnational corporations.

33. **Ms. Gálvez Ruiz** (Mexico) said that her Government was committed to fulfilling the objectives of the Programme of Action for the Second International Decade of the World's Indigenous People. Her delegation welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the Human Rights Council. Unless discriminatory practices towards indigenous peoples were eliminated in all spheres, it would not be possible to build equal and just societies. The text of the Declaration preserved the integrity of States and protected the human rights of all individuals and her delegation urged all Member States to make their commitment to indigenous peoples a reality by adopting the Declaration by consensus.

34. **Mr. Heines** (Norway), speaking on behalf of the Nordic countries, said that the Permanent Forum on Indigenous Issues had underscored the importance of the Declaration on the Rights of Indigenous Peoples for advancing the rights and aspirations of the world's indigenous peoples and had recommended its adoption without amendments. The Declaration was the result of more than 10 years of hard work, long negotiations and many compromises among Member States and representatives of indigenous peoples and groups and was the best compromise that could realistically be reached. Many problems had been solved and considerable awareness raised by the drafting process and the Declaration's adoption by the General Assembly would strengthen the promotion and protection of the rights of indigenous peoples worldwide. The Declaration would serve as a comprehensive framework for partnership between States and indigenous peoples and he therefore urged Member States to adopt it.

35. The Permanent Forum on Indigenous Issues had proved its value as the focal point for indigenous issues within the United Nations system and as a meeting point between governments and indigenous people's representatives. Regrettably, however, indigenous peoples around the world remained among the most marginalized groups in their countries. Dispossession of their lands and resources remained a major source of impoverishment. In keeping with the Millennium Development Goal of eradicating poverty, indigenous peoples must have a real say in the way their traditional lands were administered.

36. The Nordic countries fully supported the Programme of Action for the Second International Decade of the World's Indigenous People. They encouraged the Special Rapporteur to continue to conduct an active dialogue with Member States and the Human Rights Council in a manner that allowed for substantive participation by indigenous peoples. Lastly, they reiterated the invitation to the Special Rapporteur to visit the Nordic countries to examine the situation of indigenous peoples in those countries.

37. **Ms. Blum** (Colombia) said that the Colombian Constitution recognized Colombia as a multi-ethnic and multilingual nation whose ethnic and cultural diversity was protected by the State. Her Government had ratified the ILO Indigenous and Tribal Peoples Convention (No. 169), one of the most important frameworks for legal and jurisprudential progress on that matter.

38. According to the 2005 population census, 3.4 per cent of Colombia's population, or 1.38 million people, identified themselves as members of indigenous communities. A large majority of them lived in legally protected traditional territories known as *resguardos*, where they had collective property titles that were non-transferable and were not subject to seizure. The Constitution recognized the power of indigenous peoples to administer justice and settle disputes in conjunction with the ordinary justice system in a balanced, constructive and coordinated manner.

39. Indigenous languages were also the official languages in Colombia's indigenous territories. The various indigenous communities spoke 64 Amerindian languages and a range of dialects grouped into 13 linguistic families. Education in communities with their own linguistic traditions had to be bilingual and, in the political arena, there were quotas for indigenous representation in both chambers of Congress. Several indigenous senators and representatives, as well as council members and departmental deputies, had also been elected from the lists of traditional parties.

40. Since nearly 90 per cent of indigenous communities lived in the countryside, they experienced problems similar to those of the rural population in general. They had been adversely affected by violence from terrorist groups financed by drug trafficking, lack of credit and, in some areas, difficult road conditions and lack of access to communication and other services. The Government had taken a number of steps to address their problems, including giving them universal access to State-subsidized health care and investing in infrastructure programmes in indigenous territories. There were also State bodies which worked closely with national indigenous organizations to protect and support vulnerable indigenous populations.

41. Her delegation regretted that it had not been possible to reach a consensus on the Declaration on the Rights of Indigenous Peoples adopted by the Human Rights Council. Further work was needed to arrive at appropriate language that would enable it to be adopted without reservations by the General Assembly. Many concepts and definitions also required broader analysis to facilitate a consensus. Her Government would continue its efforts to protect indigenous rights and promote democracy and equity among its indigenous populations.

42. **Ms. Banks** (New Zealand), speaking also on behalf of Australia and the United States of America, noted with concern that there had been no opportunity for States to discuss the latest text of the United Nations Declaration on the Rights of Indigenous Peoples collectively and that the Human Rights Council and its President had rejected calls by her delegation and others, such as Canada, for more time to improve the text so that it could enjoy universal support. Such a decision had set a poor precedent with respect to the work and role of the Human Rights Council.

43. Unfortunately, the text, if adopted, would risk endless and conflicting interpretations and debate in its application. A Declaration was needed that was clear, transparent and capable of implementation and that could make a practical and positive difference in the lives of indigenous peoples in every region. Instead, the text under consideration was confusing, unworkable, contradictory and deeply flawed and the delegations she represented could not support its adoption.

44. The provisions in the text articulating the right of self-determination for indigenous peoples inappropriately reproduced common article 1 of the International Covenants on Human Rights. The Declaration could therefore be misrepresented as conferring a unilateral right of self-determination and possible secession upon a specific subset of the national population, thereby threatening the political unity, territorial integrity and stability of existing Member States. The provision regarding territorial integrity and political unity had also been inappropriately removed from the text.

45. The text also appeared to confer upon a sub-national group a power of veto over the laws of a democratic legislature. The Governments of New Zealand, Australia and the United States could not accept the notion of creating different classes of citizenship. To give one group in society rights that took precedence over those of others could be discriminatory under the International Convention on the Elimination of All Forms of Racial Discrimination.

46. The provisions on lands and resources in the text were equally unworkable and unacceptable, as they appeared to require the recognition of pre-existing indigenous rights to lands currently lawfully owned by other citizens, both indigenous and non-indigenous. Such provisions would be both arbitrary and impossible to implement. The provisions on redress were unworkable and contradictory, even for those few countries that were addressing that imperative. There was no definition of "indigenous peoples" in the text and the failure to define the scope of the Declaration meant that separatist or minority groups with traditional connections to the territory where they lived could seek to exploit the Declaration to claim the right of self-determination, including the right to exclusive control of their territorial resources. There were calls for State funding that were inconsistent with the power of elected governments to determine resources on the basis of need and not just ethnicity. Lastly, the provisions relating to the repatriation of human remains had been unacceptably contrived by some States to allow them to maintain their holdings of indigenous remains and artefacts.

47. She took issue with the claims that the text of the Declaration was the best that could possibly be achieved. In fact, it would not encourage constructive relationships and might instead lead to disputes, bitterness and unfulfilled expectations on all sides. In

conclusion, the position of New Zealand, Australia and the United States on the Declaration did not mean that they would in any way abandon the ongoing pursuit of the rights of indigenous peoples both internationally and domestically.

48. **Ms. Intelmann** (Estonia) said that indigenous peoples continued to be victims of human rights violations and to be among the poorest and most marginalized groups in many countries. It was therefore of the utmost importance to make optimum use of the Programme of Action for the Second International Decade of the World's Indigenous People. To address the serious violations of the rights of indigenous women, and indigenous girls in particular, national development strategies for achieving internationally agreed development goals, including the Millennium Development Goals, should integrate the perspectives, knowledge and contributions of indigenous women through their full and effective participation in the policy-making process.

49. It was crucial that the Declaration on the Rights of Indigenous Peoples be adopted at the current session of the General Assembly in order to ensure that indigenous peoples' voice was heard and that they could participate internationally. Her delegation also wished to encourage the development of a strong and mutually beneficial relationship between indigenous peoples and the Human Rights Council. Indigenous issues were among her country's priorities and it had a long history of supporting the languages and cultures of the Finno-Ugric peoples through cooperation in the fields of education, science and culture. The European Union membership of the three Finno-Ugric countries Finland, Hungary and Estonia opened up a new dimension for aid schemes directed primarily at the Finno-Ugric peoples living in the Russian Federation.

50. Her Government would continue to provide financial support to the United Nations Voluntary Fund for Indigenous Populations, the Voluntary Fund for the International Decade of the World's Indigenous People and the Permanent Forum on Indigenous Issues.

51. **Ms. Moreira** (Ecuador) said that as a country recognized for its cultural and multi-ethnic diversity, Ecuador was strongly committed to complying with international human rights instruments, especially those related to indigenous issues. She reiterated her Government's support for the Permanent Forum on Indigenous Issues, which had promoted awareness of indigenous issues and the coordination of all United Nations activities to address them.

52. Indigenous peoples continued to face inequality and economic and social exclusion and to be among those most affected by hunger, malnutrition, unemployment and lack of access to health services, education and housing. They were also one of the communities most vulnerable to labour exploitation, migrant trafficking and trafficking of women and children. All those problems could be solved if governments showed genuine political will and became more active in implementing the Programme of Action for the Second International Decade.

53. Her Government had undertaken specific activities to implement the Programme of Action, through national mechanisms such as the Development Council of the Nationalities and Peoples of Ecuador (CODENPE) and with the support of indigenous organizations and civil society. Ecuador's Constitution comprehensively recognized the collective rights of indigenous people, in keeping with ILO Convention No. 169, and incorporated the provisions of the Vienna Programme of Action and the Durban Plan of Action.

54. She welcomed the Special Rapporteur's report on his visit to Ecuador and looked forward to the findings and recommendations to be included in his expanded report to the Human Rights Council. As a member of the Council, her Government had strongly supported its adoption of the Declaration on the Rights of Indigenous Peoples. It was regrettable that there were still reservations to the text after years of negotiation and she called upon Member States to ensure the Declaration's early adoption by the General Assembly.

55. **Mr. Navoti** (Fiji) agreed with the Special Rapporteur's assessment that land rights played a crucial role in the search for justice by indigenous peoples. In that regard, his Government had submitted a bill to Parliament setting up a tribunal to investigate historical indigenous land claims and make recommendations for remedial action, including compensation for loss of rights to ancestral lands or reversion of State-controlled land to indigenous owners.

56. His delegation was disquieted by the Special Rapporteur's references to legislative developments that could have the effect of extinguishing collective and customary rights of indigenous peoples. His Government was currently consulting with Fijians on a

bill that would transfer from the State to indigenous owners proprietary ownership of any area of seabed or underwater soil, sand, reefs, mangrove swamps, rivers, streams or wetland or any other area recognized and determined to be within customary fishing grounds. Passage of that bill would help narrow the gap between legislation and administrative, legal and political practice with regard to the human rights of indigenous peoples. In conclusion, his delegation supported the adoption of the Declaration on the Rights of Indigenous Peoples.

57. **Mr. Chávez** (Peru) said that his Government had made decisive progress in the protection and promotion of the rights and fundamental freedoms of indigenous peoples. It was committed to developing strategies and policies aimed at reasserting the value of the country's multi-ethnic, multicultural nature and promoting the development and full participation of indigenous peoples and ethnic minorities. Much remained to be done, however. For 11 years, his delegation had chaired the negotiations that had culminated in the adoption by the Human Rights Council of the Declaration on the Rights of Indigenous Peoples. The text of the Declaration was the best that could be achieved without prolonging negotiations in an attempt to achieve an unlikely consensus. It sought to establish a new kind of relationship between States and indigenous peoples that would permit the latter's development while recognizing their specific rights. His Government and others would continue to work for the Declaration's adoption by the General Assembly and urged all delegations to join in that initiative on behalf of a particularly vulnerable population group.

58. It was clear from the Special Rapporteur's report that governments and the international community must act decisively to find specific solutions for addressing the needs of indigenous peoples in various parts of the world. His delegation supported the Special Rapporteur's work and welcomed his thematic report on the implementation of standards and jurisprudence relating to the rights of indigenous peoples.

59. **Ms. Morgan-Moss** (Panama) said that the Permanent Forum on Indigenous Issues had held a Workshop on Indigenous Traditional Knowledge in Panama in September 2005. It was not surprising that Panama had been chosen to host the workshop, given that over 50 years previously, the Government had begun the process of legalizing indigenous territories, demarcating *comarcas* in which indigenous forms of organization, institutions and culture were recognized. There were currently five such *comarcas*, inhabited by seven indigenous peoples and covering 22 per cent of the national territory. The situation of Panama's indigenous peoples was still alarming, however, with 98.5 per cent of them living in poverty and 70 per cent in extreme poverty.

60. Her Government was working to reduce poverty and improve income distribution, promote economic growth through job creation, restructure public finances and develop human capital. Social spending on indigenous peoples addressed poverty directly by providing support to poor families and assisting communities and institutions to provide food, health and education to the entire population. In addition, it promoted development with identity through the design of public policies for indigenous peoples and the implementation of a national indigenous development plan. The Ministry of Social Development was responsible for planning, promoting, monitoring and evaluating those policies and had set up a National Office for Indigenous Peoples to design a development model with a cultural approach that would ensure indigenous participation in policymaking. The Office would coordinate the work of the National Council for Indigenous Development, a consultative and deliberative body made up of government institutions, indigenous governments and civil society organizations that was designed to improve communication between the Government and indigenous peoples and promote public awareness and acceptance of multiculturalism.

61. Individual States could not solve indigenous issues on their own. Joint action by all stakeholders was needed, meaning that indigenous representatives and organizations must be equipped to work with governments, non-governmental organizations and the United Nations system to achieve the goals of the Declaration on the Rights of Indigenous Peoples.

62. **Mr. Nikiforov** (Russian Federation) said that his Government's commitment to resolving the issues facing indigenous peoples was reflected not only in the fact that it cooperated with all United Nations mechanisms and structures for the protection of the rights of indigenous peoples but also in the presence of two of its representatives among the 16 experts on the Permanent Forum on Indigenous Issues.

63. It was unfortunate that the Declaration on the Rights of Indigenous Peoples fell somewhat short in its

current form, that the countries with the largest indigenous populations disagreed with some of its provisions and that many countries did not agree with its definition of the rights of indigenous peoples to self-determination, land and natural resources, with the result that it had not been adopted by consensus. His Government nevertheless supported many of its provisions.

64. States themselves were primarily responsible for solving the problems of their indigenous peoples, however, and must take appropriate, effective action to that end. In recent years, the Russian authorities had paid particular attention to strengthening legislation on the protection of the rights of the country's indigenous peoples, including the right to their own socio-economic and cultural development and the right to protection of their historical homelands, traditional way of life and traditional use of natural resources. Plans were under way to create traditional natural resource use territories in the country's north. Another priority of economic policy in that region was the creation of favourable economic conditions for the development of indigenous peoples, including the development of educational opportunities. His Government had been one of the prime movers behind the national aspect of the Second International Decade of the World's Indigenous People.

65. **Ms. Daes** (Greece) said that her delegation had been one of the initial sponsors of the United Nations Declaration on the Rights of Indigenous Peoples and urged Member States to support the Declaration's adoption, without any change or delay, at the current session of the General Assembly. The text of the Declaration had been discussed at length by a number of United Nations bodies and a broad range of stakeholders, including representatives of Member States and of the world's indigenous peoples. A number of its articles had been adopted by consensus, but for a variety of political, economic and other reasons, further discussion would not lead to a consensus on all articles. The Declaration affirmed the importance of indigenous peoples and their cultures and would serve as an important mechanism for protecting and promoting indigenous peoples' human rights and combating the legacy of more than five centuries of racism and discrimination.

66. **Mr. de Aristegui** (Spain) said that the adoption of the Declaration on the Rights of Indigenous Peoples and the International Convention for the Protection of All Persons from Enforced Disappearance was a landmark in the development of international human rights law and gave added protection to the groups concerned. While the long and difficult negotiations leading up to the adoption of the Declaration had not yielded a consensus, they had provided the necessary political momentum. As his delegation had pointed out at the first session of the Human Rights Council, the Declaration reflected the legitimate demands of indigenous peoples while taking account of States' sensitivities. Since the aim was to work together to improve conditions for indigenous peoples and given the Declaration's strong endorsement by representatives of indigenous groups, it was incumbent upon Member States to ensure its adoption by the General Assembly.

67. While Spain itself did not have any indigenous communities, it had a long history of cooperation with indigenous peoples and with the governments that protected them, in Latin America in particular. In recent years, that cooperation had been intensified and enriched by the active dialogue that had accompanied the drafting of the Declaration. The negotiation phase had gone on long enough, however, and it was time for Governments to endorse the Declaration politically. Accordingly, he hoped that the General Assembly would adopt the Declaration at the current session.

68. **Mr. Dall'oglio** (International Organization for Migration (IOM)) said that in April 2006, in cooperation with the secretariat of the Permanent Forum on Indigenous Issues, IOM had organized an expert workshop on indigenous people and migration. Migration had a deep collective cultural impact on indigenous peoples, who were closely linked to their communities and their lands, and therefore warranted special attention. Migration of indigenous people also had a positive potential, however. Indigenous people who migrated provided economic benefits to their community of origin in the form of remittances and also aided in the transfer of skills within the community. Migration also drew further international attention to indigenous issues and increased knowledge of and interest in indigenous peoples.

69. IOM was working to mainstream indigenous issues into its work. For instance, the IOM field office in Colombia had introduced guidelines to be used for all IOM project development regarding the inclusion of the rights of indigenous people. IOM had also joined the Inter-Agency Support Group on Indigenous Issues

in order to engage with other organizations and agencies on the challenges facing indigenous people and make its contribution on the topic of international migration.

70. **Mr. Rama Rao** (World Intellectual Property Organization (WIPO)) said that protecting traditional knowledge and traditional cultural expressions had been a key part of the work of WIPO since the late 1990s. In 2000, it had established an Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, whose mandate was to discuss international aspects of intellectual property issues in relation to those areas. The Committee had progressed from policy debate to norm-building and was currently examining draft texts which might form the basis for international instruments. It was considering all possible ways of addressing the interests of indigenous people and other stakeholders in traditional knowledge and cultural expressions.

71. To facilitate the participation of indigenous representatives, WIPO had introduced a fast-track accreditation procedure for all non-governmental organizations. More than 130 such organizations, the majority representing indigenous people, had received accreditation, and no applicant had been denied accreditation.

72. Other programme activities included capacity-building, legislative assistance, awareness-raising and training. WIPO also worked closely with the Permanent Forum on Indigenous Issues.

73. **Ms. von Lilien-Waldau** (International Fund for Agricultural Development (IFAD)) said that the experience of IFAD in working with the poorest rural communities had led it to focus particular attention on indigenous peoples, who were among the poorest and most marginalized in the world. Unfortunately, the living conditions of the 370 million indigenous people worldwide had not, as yet, figured prominently in the implementation of the Millennium Development Goals or the development of Poverty Reduction Strategy Papers (PRSPs). What little progress had been made had resulted primarily from indigenous peoples' own efforts. The international development community urgently needed to redefine its approaches to indigenous peoples, for whom poverty was closely connected with lack of respect for their political, cultural and economic rights and for their own abilities to identify problems and solutions concerning the well being of their communities.

74. In order to achieve the development goals of the Second International Decade of the World's Indigenous People, indigenous issues must be included in national poverty reduction strategies, including PRSPs, and the contribution of indigenous peoples to achieving the Millennium Development Goals needed to be adequately reflected in country programming processes. The transformational role of indigenous women in community affairs must also be strongly supported.

The meeting rose at 6 p.m.